

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
ANTHONY JACKSON,	:	<u>PRO SE</u>
	:	
Plaintiff,	:	07 Civ. 2757 (SAS) (THK)
	:	
-against-	:	
	:	ORDER
	:	
ROBERT M. MORGENTHAU and	:	
H.D. GRAHAM,	:	
	:	
Defendants.	:	
	:	
-----X	:	
THEODORE H. KATZ, UNITED STATES MAGISTRATE JUDGE.		

This habeas corpus proceeding was referred to this Court for a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). It has recently come to the Court's attention, by way of a January 8, 2008 letter from Respondents' counsel, that on December 6, 2007 - after Respondents submitted their response to Petitioner's habeas claims in this case - Petitioner sought leave, in the New York state courts, to appeal the trial court's denial of his motion pursuant to New York Criminal Procedure Law § 440.10 ("440 Motion"). Petitioner's 440 Motion seeks relief on many of the same claims that are set forth in the Petition in the instant action.

In light of the foregoing, it is hereby ordered that:

1. This matter is stayed until Petitioner's motion for leave to appeal the denial of his 440 Motion is denied by the state courts, or, if leave is granted, until the appeal that follows is resolved by the state courts.

2. Within twenty days following the denial of leave to appeal, or the resolution of any appeal that may follow if

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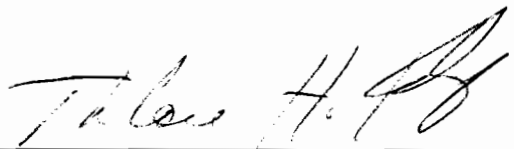
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Petitioner is granted leave to appeal, Petitioner is ordered to notify this Court, and Respondents, of such denial or resolution. Within the same twenty days, Petitioner is further ordered to provide the Court, and Respondents, with the order denying leave to appeal or the order resolving his appeal.

3. Within forty-five days of Petitioner's provision of such documents to the Court and Respondents, Respondents will be permitted to file a supplemental response to the Petition.

4. If Petitioner wishes to file a reply to any supplemental response filed by Respondents, he shall do so within twenty-one days of his receipt of the supplemental response.

SO ORDERED.



THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

Dated: January 16, 2008
New York, New York

Copies mailed to:

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